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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

F.G.,

Petitioner,

v.

THE SUPERIOR COURT OF LOS
ANGELES COUNTY,

Respondent;

LOS ANGELES COUNTY
DEPARTMENT OF CHILDREN AND
FAMILY SERVICES,

Real Party Interest.

No. B214694

(Super. Ct. No. CK72913)

ORIGINAL PROCEEDINGS in mandate. Valerie Skeba, Commissioner. Petition denied.

F.G., in pro. per., for Petitioner.

No appearance for Respondent.

Raymond G. Fortner, Jr., County Counsel, James M. Owens, Assistant County Counsel, and Aileen Wong, Deputy County Counsel for Real Party in Interest.

By petition for writ of mandate, mother F.G. challenges the juvenile court order terminating reunification services and setting a permanency planning hearing for her daughter, H.K. Trial counsel was appointed to represent mother in this writ proceeding. After examining the record, counsel informed us that she was unable to file a writ petition on the merits on mother's behalf. (*In re Sade C.* (1996) 13 Cal.4th 952; see also *Glen C. v. Superior Court* (2000) 78 Cal.App.4th 570, 582-584.) Mother filed a writ petition, claiming the Department of Children and Family Services (DCFS) failed to provide reasonable family reunification services. We find adequate services were provided and deny the requested relief.

FACTUAL AND PROCEDURAL SUMMARY

Mother was nearly 16 years old when she gave birth to H.K. in January 2008.¹ H.K. came to the attention of DCFS when she was three months old, following a report of general neglect and emotional abuse by her parents. When the social worker investigated, she saw a large bruise on mother's arm. The parents denied arguing in front of the child and said their arguments did not escalate to physical altercations. After a team decision making meeting, the parties developed a voluntary family maintenance agreement. Under this plan, mother and baby would live with the paternal grandmother, and father would move out of that home out of concern for the safety of mother and baby. Father was permitted to visit only with a DCFS-approved monitor. The parents were to participate in parenting classes, individual counseling, and a domestic violence program. Mother was to enroll in school and in an anger management class.

When the maternal aunt visited mother a few days later, mother was crying and appeared to have been physically injured by father. The paternal grandmother reported that the parents had been fighting, and mother had used the baby as a shield when father was hitting her. The social worker responded to the home, and saw several bruises on mother's arm. Mother stated she had hurt herself "moving things around the home."

¹ H.K.'s father is not a party to this writ proceeding, and we limit our statement of facts with regard to him.

The social worker detained H.K. and filed a Welfare and Institutions Code section 300 petition on her behalf. At the detention hearing, the court instructed DCFS to look into placing mother and child in the same foster home. The court also ordered DCFS to provide referrals for individual counseling, and parenting and domestic abuse education.

The social worker's report for the jurisdiction and disposition hearing described several reported incidents of domestic violence between the parents. It also included reports of drug use by the parents. The report also noted that mother had been removed from one foster home because she was not complying with the curfew or attending school, and was reportedly seeing father. Despite counseling from the social workers to stabilize her situation, mother ran away from her new placement immediately.

On July 14, 2008, the court sustained the following allegations: (1) the parents have engaged in physical altercations; on one occasion, mother held the three-month-old child in her arms during the domestic altercation; parents' conduct endangers the child's physical and emotional safety; and (2) the parents use marijuana, which periodically renders them incapable of providing care for their child and endangers their ability to care for her. The court ordered reunification services for mother, including individual counseling, anger management, parenting education, drug counseling, random drug testing, and monitored visitation with H.K. DCFS was ordered to assist mother with transportation to all programs, including drug testing.

The social worker's September 15, 2008 report indicated that mother and father had been arrested on July 15, 2008 and charged with robbery of the owner of a newspaper stand. Father also was charged with possession of a switchblade knife and possession of marijuana. He was incarcerated. The report also noted that when mother ran away from a former foster home, she was accused of stealing money and jewelry from her former caregivers. The social worker reported meeting with mother to discuss compliance with the case plan and placement options. Mother stated her desire to reunify with father and H.K. The social worker suggested she be placed at St. Anne's, a group home for teen parents, where she would be assisted in complying with her reunification plan. Mother at first resisted, but later seemed more interested. Mother was accepted at

St. Anne's on August 13, but refused to move. The social worker met with mother again on August 15, provided her with referrals for local agencies and drug testing, and gave her a bus pass. Mother reportedly left her foster placement without authorization in late August. She requested a new placement, but then changed her mind. As of September 15, 2008, mother had not enrolled in any of the court-ordered services. The court ordered DCFS to make sure transportation and additional referrals were provided to mother.

On January 12, 2009, the social worker reported that mother was enrolled in parenting classes through the Child and Family Center, which provided door-to-door transportation to its classes. Mother attended one session. When the shuttle arrived at the door to pick up mother for the second session, mother failed to board, and the shuttle left. She did not reschedule the missed class and did not pursue further classes. Mother had been given referrals for random drug and alcohol testing, but had not submitted to any tests. One night in November, she came home late at night and appeared to be under the influence of some kind of controlled substance. According to the foster mother, mother did not abide by the foster home's curfew; she was reported AWOL several times; she was suspected of engaging in highly risky behavior including staying out all night, substance abuse, and engaging in sex with multiple partners. On November 24, mother tested positive for amphetamines/methamphetamines, cocaine, and marijuana. The foster family agency asked that she be removed from her placement. Mother was moved to St. Anne's on January 15, 2009.

On February 10, 2009, mother was found guilty of felony robbery and declared a dependent under Welfare and Institutions Code section 602. She was sentenced to three years of probation, with various conditions including community service, random drug testing, and counseling at St. Anne's.

According to the residential counselor at St. Anne's, mother got into an argument with her probation officer on February 25 when she was told her passes were being pulled because of her probation status. Mother made threats against the probation officer, then took a pen marker, removed the top, and held it as if to hurt someone. Mother was told to put the pen away. The probation officer ended the discussion, and the staff

walked mother upstairs. She was crying and yelling with frustration. She banged the wall with the pointed edge of the marker, which went through the wall. Mother then barricaded herself in the restroom, where she broke the mirror. She walked into the common area and began kicking and banging the wall, then barricaded herself in the shower, and swung the shower door to hit the assistant director. Finally, mother yelled at the staff to leave her alone and threatened the staff with a towel.

Police officers arrived and were told mother might have a weapon. As mother was being searched, she kicked one of the officers. Mother was restrained and handcuffed. Officers found a 12-inch pocket knife in mother's sock. Staff found several pink pills, a bullet, and a cell phone in mother's closet.

Mother was charged with assault on a police officer, and was detained at central juvenile facility until a suitable placement was found for her, since her bed at St. Anne's was no longer available.

At the six-month review hearing, mother testified about her participation in services, and about her difficulties in obtaining those services. She insisted she had used marijuana only once, did not use methamphetamine, and did not have a drug problem. The court stated it did not find mother's testimony credible. "She's had multiple opportunities to comply with services. And it's because of her own behavior that she's remained out of compliance. I mean, we had everything set up for her at St. Anne's. And she did not want to do the program. And she was the one who caused herself to be terminated from that program. That wasn't the Department's fault." The court also found father had not complied with the case plan and that return of the child to the custody of her parents would create a substantial risk of detriment. The court terminated reunification services as to both parents, and set the case for a permanency planning hearing. Mother challenges this order.

DISCUSSION

Mother argues that appropriate reunification services were not provided to her, even though she was "prepared and willing" to make any efforts necessary. In reviewing

the reasonableness of reunification services, “[t]he standard is not whether the services provided were the best that might have been provided, but whether they were reasonable under the circumstances.” (*Elijah R. v. Superior Court* (1998) 66 Cal.App.4th 965, 969.) That standard is satisfied in this case.

The evidence before the court established that DCFS provided referrals for counseling, parenting classes, and drug testing. The social worker provided a bus pass and arranged for mother to participate in a program with door to door transportation. Mother failed to utilize the offered services, and did not attend school or otherwise comply with the rules in her foster placements.

DCFS offered to place mother at St. Anne’s in September 2008, so that she could receive the ordered services on site. Mother declined that opportunity. When mother was finally moved to St. Anne’s in January 2009, she participated in ordered services for six weeks. This placement ended with the incident leading to her arrest for assault on a police officer. After her arrest, her bed at St. Anne’s was no longer available.

This evidence shows mother was provided with numerous opportunities to participate in the court-ordered services. She either refused to do so, or rendered herself ineligible because of her own behavior. Mother disputed some of this evidence, but the trial court did not credit her testimony. “We must resolve all conflicts in support of the determination, and indulge in all legitimate inferences to uphold the court’s order. Additionally, we may not substitute our deductions for those of the trier of fact.” (*Elijah R. v. Superior Court, supra*, 66 Cal.App.4th at p. 969.) Viewing the evidence in accordance with this standard, we find substantial evidence to support the trial court’s conclusion that reasonable reunification services were offered to mother.

DISPOSITION

The petition is denied.

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EPSTEIN, P. J.

We concur:

WILLHITE, J.

MANELLA, J.